


FILED

2008 JUL 24 PM 2:54

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

1 Mr. Darnell Marquis Campbell
2 *Pro Se*
3 460 E Washington Street #111
4 Escondido CA 92025
5 (619) 453-4102

6 United States District Court '08 CV 1339 JM AJB
7 Southern District of California

8
9 Mr Darnell Marquis Campbell
10 Plaintiff,
11 vs.
12 XRZ Corporation et Al
13 Defendant

Civil Complaint Under

The Civil Rights Act

42 U.S.C. § 1981

Title VII Civil Rights Act of 1964,
as amended.

14
15
16 **A. Jurisdiction**

17 The plaintiff, Darnell M. Campbell would like to provide before the United States District
18 Court Southern District of California that this civil complaint jurisdiction is invoked pursuant to
19 42 U.S.C. § 1981. The plaintiff hereby states that this civil complaint also under 42 U.S.C. §
20 1981, is not governed by time constraints, however it is subject to a four year statute of
21 limitation in this jurisdiction.

22
23 **B. Parties**

24 1) Plaintiff: Darnell Marquis Campbell, who presently resides at:
25 460 East Washington Street #111 Escondido, California 92025.
26 Cell phone (619) 453-4102
27 Work phone (619) 237-9700
28 Home phone (760) 294-0872

24th day of July 2008

Civil Complaint Under
The Civil Rights Act
42 U.S.C. § 1981

1 2) Defendant: XRZ Corporation et. al. located at:

2 3955 4th Avenue San Diego, California 92103

3 Owned by Mr. Darl E. Edward

4 Managed and Supervised by: Mr. Robert Mulzet & Mr. John James Crespín

5 Business phone number (619) 295-0850

6
7 The defendant was not acting under the authority or color of state law during the time the
8 plaintiff raised the a complaint to the Equal Employment Opportunity Commission.

9 10 **C. Causes of Action**

11 The plaintiff Darnell M. Campbell has recently put forth diligent efforts to bring before
12 the Honorable Judge Lorenz and the Honorable Judge Bencievengo at the United States District
13 Court Southern District of California. This related case of racial discrimination under docket
14 file number 3:05-CV-02173-L (CAB); a civil rights complaint filed on the 23rd of November
15 2005 under federal citation 28:1983 which states:

16 "every person who, under color of any statute, ordinance, regulation, custom, or
17 usage, of any State or Territory or the District of Columbia, subjects, or causes to
18 be subjected, any citizen of the United States or other person within the
19 jurisdiction thereof to the deprivation of any rights, privileges, or immunities
20 secured by the Constitution and laws, shall be liable to the party injured in an
21 action at law, suit in equity, or other proper proceeding for redress, except that in
22 any action brought against a judicial officer for an act or omission taken in such
23 officer's judicial capacity, injunctive relief shall not be granted unless a
24 declaratory decree was violated or declaratory relief was unavailable. For the
25 purposes of this section, any Act of Congress applicable exclusively to the
26 District of Columbia shall be considered to be a statute of the District of
27 Columbia," it would not have been what the plaintiff has marked on the Civil
28 Cover Sheet in section VI titled "Nature of Suit."

24th day of July 2008

1 It was later found by the plaintiff that he overlooked section VI (Cause of Action) on the
2 Civil Cover Sheet during the initial filing on the 23rd day of November 2005; therefore a Clerk of
3 the Court took the liberty to enter any and all missing information. As the plaintiff continues to
4 seek relief from the previous related trial docket file number 3:05-CV-02173-L (CAB) against
5 the defendant; pursuant to 42 U.S.C. § 1981, the statutes of limitations hold no time constraints
6 yet it is subject to four years in this jurisdiction. The Honorable M. James Lorenz and the
7 Honorable Magistrate Judge Cathy Ann Bencievengo have both presided over the case 3:05-CV-
8 02173-L (CAB). Judgment was in favor of the defendant due to the plaintiff holding the burden
9 of proof, which created many mistakes made by not only the plaintiff but also the court and it's
10 clerks. The *Pro Se* plaintiff has been educated and informed through endless hours of legal
11 research that he has the option to file for the case to be reinstated or reopened under the federal
12 citation 42 U.S.C. § 1981 Equal rights under the law. The plaintiff's cause of action for a new
13 trial under federal citation 42 U.S.C. § 1981 and Title VII Civil Rights Act of 1964, as amended.
14 This civil complaint of racial discrimination and employment discrimination is under jurisdiction
15 of the statutes of limitations

16 The plaintiff is once again a *Pro Se* litigant seeking relief of discriminatory acts and
17 practices that had been displayed toward him while employed with the defendant X.R.Z.
18 Corporation et Al. The plaintiff did file a complaint with the Equal Employment Opportunities
19 Commission, with the Senior Investigator Mr. Roger Owens, who initiated the complaint process
20 that the E.E.O. conducts. The charging party and the respondent both received a "Charge of
21 Discrimination" implementing the issues that the plaintiff alleged and the E.E.O. stated to be in
22 violation of the Title VII Civil Rights Act of 1964, as amended. Shortly after the complaint was
23 filed a mediation process followed; agree to by both parties to be directed by an E.E.O. mediator
24 name Mr. Jose Dennis. Mediation was terminated at the plaintiff's request. The E.E.O. then
25 conducted an investigation also lead by Senior Investigator Mr. Roger Owens; who then
26 presented the charging party with the option to have access to the investigative file. The plaintiff
27 then recieved a "Notice of Discrimination", a "Right to Sue Letter", and other documents
28 wrapping up the investigation with merit to the charging party.

24th day of July 2008

The plaintiff would like to request a trial by jury as pursuant to Rule 8.

The plaintiff has provided below the issues of law that the defendant are in violation with Title VII Civil Rights Act of 1964, as amended and 42 U.S.C. 1981.

- 1) **Disparate Impact**
- 2) **Defendants creation of a non-informative, hostile, and intimidating work environment**
- 3) **Unfair employment practices through terms and conditions of employment**
- 4) **Denied of fringe benefits**

The issues of law stated above are followed by supportive facts below:

Issue of Law # 1: Disparate Impact

Supporting Facts:

- 1) Prima facie provided within E.E.O.C. file, not the responsibility of the plaintiff to provide a prima facie case in discrimination in discrimination recorded in Employment and Law Litigation by Merrill Rossien under § 2:5.75
- 2) Defendant provides legitimate reason for allegation of discrimination were indeed not along basis of race or employment discrimination, yet the defendant did not provide facts that proved to be legitimate.
- 3) Pretext for discrimination was alleged by defendant as a result of a non-discriminatory act or practice: Plaintiff is Black who resigned after experiencing several discriminatory acts and practices by employer such as: disparate Impact, defendants creation of a non-informative, hostile, and intimidating work environment, unfair employment practices through terms and conditions of employment, and denial of fringe benefits.

[illegible]

1 **Issue of Law #2: Defendants creation of a non-informative, hostile, and intimidating work**
2 **environment.**

3 Supporting Facts:

- 4 1) Plaintiff was denied fringe benefits.
5 2) Whether Plaintiff was suspended for three days.
6 3) Suspended without notice by management.
7 4) The plaintiff and a manager arguing about terminating employment.
8 5) Resigned from his job on the 3rd day of January 2005.
9 6) Assistant left message with the plaintiff on the 2nd day of January 2005 relating
10 to the plaintiff getting to work in addition to referring to the plaintiff as a
11 "BITCH".
12 7) Defendant not complying with the employee violations contract provided to
13 E.E.O. by the defendant.
14 8) Favoring two Mexican employees who were not suspended but involved in
15 same employee as the plaintiff (missing a scheduled shift).

16
17 **Issue of Law #3: Unfair employment practices through terms and conditions of**
18 **employment**

19 Supporting Facts:

- 20 1) Plaintiff found out that he was the only employee at XRZ Corporation et al
21 that did not have knowledge or membership of Kaiser health benefit yet the
22 rest of the staff was enrolled with membership.
23 2) The night of the 1st day of January 2005 the XRZ Corporation et al was short
24 staffed. Two employees (Mexican/ Hispanic) called in to let the
25 management know that they were going to be a bit late for their shift. They
26 did not make in for their shift that night.
27 3) Plaintiff (Black) was given a three day suspension as a reprimand for not
28 staffing his scheduled shift on the 2nd day of January 2005, but the plaintiff

did, and personally informed XRZ Corporation et al morning shift that plaintiff was too exhausted to work the shift.

4) On the 3rd day of January 2005 the plaintiff returned back to work to find that the was on a three day suspension because he missed his scheduled shift on the 2nd day of January 2005 without notice from a manager or supervisor.

5) One of the plaintiff's fellow co-workers that missed the shift of the 1st day of January 2005 was called in to cover the shift that the plaintiff would have normally worked had he not of been suspended for three days.

Issue of Law #5: Denied Health Insurance

Supporting Facts:

1) Began employment on the 16th day of August 2004

2) Signed the "House Rules" on the 4th day of October 2004

3) Plaintiff was not ever informed by management or by owner that employer offered Health Benefits to the employees of XRZ Corporation et al.

4) Defendant representation counsel and defendant claims that the open enrollment month for new member is during the month of April.

5) Plaintiff did not find out about the health benefit until the 3rd day of January 2005 from a fellow employee; the day of the plaintiff resigning from XRZ Corporation et al.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case?

YES X No

If your answer is "Yes", describe each suit in the space below.

XX

XX

24th day of July 2008

1 (a) Parties to the previous lawsuit:

2 Plaintiffs: Darnell Marquis Campbell

3 Defendants: XRZ Corporation et Al.

4
5 (b) Name of the court and docket number:

6 1) United States Supreme Court- (Campbell v. XRZ Corporation et al.)

7 2) United States Court of Appeals of the Ninth Circuit- (07-53669)

8 3) United States District Court Southern District of California- (3:05-CV-02173-L (CAB))

9
10 (c) Disposition:

11 1) United States Supreme Court- (Campbell v. XRZ Corporation et al.) was denied on the
12 2nd day of July 2008 due to non compliance to 28 U. S. C. § 2101.

13
14 2) United States Court of Appeals of the Ninth Circuit 07-56339 the case was dismissed
15 on the 5th day of February 2008.

16
17 3) United States District Court Southern District of California 3:05-CV-02173-L (CAB)
18 was filed for an appeal on the 31ST day of August 2007.

19
20 (d) Issues raised:

21 1) Disparate Impact

22 2) Creation of a non-informative, hostile, and intimidating work environment

23 3) Unfair employment practices through terms and conditions of employment

24 4) Denial of fringe benefits

25
26 (e) Approximate date of disposition in:

27 1) United States Supreme Court- (Campbell v. XRZ Corporation et al.) was denied on

28 2nd day of July 2008.

24th day of July 2008

(f) Approximate date of disposition in:

1) United States Court of Appeals of the Ninth Circuit: 5th day of February 2008

(g) Approximate date of disposition in:

1) United States District Court Southern District of California : 22nd day of August 2007

2) Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above?

YES X No

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Yes, the two parties did agree to a mediation process provided by the E.E.O.C.. Conducted by E.E.O. Mediator Mr. Jose Dennis. In his attempts to seek closure between the two parties all that was agreed upon during mediation was a payment of wages (sixty-four dollars) that was owed to the plaintiff for wages that had not been paid due to management of defendant. At the request of the charging party (plaintiff) the mediation sessions was terminated because the plaintiff did not receive the respect he should have nor was any positive outcome to arise for closure to be attained.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): Back pay, front pay, legal fees, punitive damages, all debts incurred as a result of unemployment, doctors bills, loss of wages.
2. Damages in cumulative sum of: \$3,500,000.00

24th day of July 2008

Plaintiff demands a jury trial:

YES X No

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner case filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636 (c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences. The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions. You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate X or Plaintiff requests that a district judge judges _____ jurisdiction as set forth be designated to decide dispositive above. matters and trial in this case.

XX

24th day of July 2008

9

Civil Complaint Under
The Civil Rights Act
42 U.S.C. § 1981

1 I declare under the penalty of perjury that the foregoing is true and correct.
2
3

4 Executed on this date:

5 24th day of July 2008
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X
Mr. Darnell M. Campbell

Pro Se

460 East Washington Street #111

Escondido CA 92025

(619) 453-4102

24th day of July 2008

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

FILED

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Darnell M. Campbell

(b) County of Residence of First Listed Plaintiff San Diego County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

460 E Washington St. #111 Escondido CA 92025 619-453-4102

DEFENDANTS

X.R.Z. Corporation et Al.

County of Residence of First Listed Defendant San Diego County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Michael L. Crowley

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C 1981

Brief description of cause:

Employment discrimination under Title VII Civil Rights Act of 1964, as amended

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 3,500,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Hon. Bencievengo & Hon. Lorenz

DOCKET NUMBER 3:05-CV-02173-L (CAB)

DATE

24th day of July 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (861) 395-2729

Mr Darl Edwards
Owner
XRZ CORPORATION
3955 4th Avenue
San Diego, CA 92103

EEOC Number: 345-2005-00674

Darnell Campbell v. XRZ Corporation

Date: March 25, 2005

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612
M (510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814
E (916) 446-6623

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 1350 Front Street, Suite 3005
San Diego, CA 92101
D (619) 646-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 804-2303

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 111 North Market Street, Suite 810
San Jose, CA 95113
G (408) 277-1277

☐ 2101 East Fourth Street, Suite 285-B
Santa Ana, CA 92705
K (714) 658-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Deputy Director
Enforcement Division